

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MISSOURI

IN RE: ) NO: 24-40877  
 ) CHAPTER 13  
GLORIA BROYLES, )  
DEBTOR. ) Hearing Date: September 5, 2024  
 ) Hearing Time: 11:00 AM  
 ) Location: 7N

TRUSTEE'S MOTION TO COMPEL DEBTORS TO FILE AN AMENDED CHAPTER 13  
PLAN TO PROVIDE A 100% GUARANTEE TO UNSECURED CREDITORS

NOTICE OF HEARING

PLEASE TAKE NOTICE: The Trustee's motion herein has been set for a hearing before the Honorable Kathy A. Surratt-States, United States Bankruptcy Judge, in the United States Bankruptcy Court, Thomas F. Eagleton Courthouse, 111 South 10th Street, 7th Floor, North Courtroom, St. Louis, MO, on the 5th day of September, 2024, at 11:00 A.M., or as soon thereafter as the parties can be heard on the matter.

THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE BY 8/29/24 . YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. THE DATE IS SET OUT ABOVE. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEYS.

Comes now Diana S. Daugherty, Standing Chapter 13 Trustee, and states to the Court as follows:

1. Debtor filed her petition and original chapter 13 plan on 3/15/2024.
2. Debtor filed a first amended plan on April 22, 2024 in response to Trustee's objection.
3. An order confirming Debtor's first amended plan was entered 1May 17, 2024.
4. The first amended plan added a provision in paragraph 5.1 that the debtor would notify the Court and the Trustee when her pre-petition cause of action settled or a judgment was issued, and that the best interests of creditors test may be recalculated at that time.

5. On July 29, 2024, the Trustee received a letter dated July 22, 2024 from attorney Joseph Ott stating that debtor's cause of action against Wal-Mart settled for \$450,000. Mr. Ott is seeking direction regarding the allocation of the funds.

6. As of today, debtor has failed to file a motion to approve the settlement, or notify the Court or the Trustee that the case has settled, as required in her confirmed first amended plan.

7. The claims bar date for unsecured creditors has passed. Debtor has \$40,172.70 in filed, unsecured claims.

8. Debtor should file an amended plan to guarantee 100% repayment to her allowed unsecured creditors.

WHEREFORE, the Trustee prays that the Bankruptcy Court enter an order directing Debtor to amend her plan to provide a 100% guarantee to her unsecured creditors; and the Trustee prays for any other relief that the Bankruptcy Court deems necessary and just under the circumstances.

Respectfully Submitted,

/s/ Kathy A. Reichbach  
Diana S. Daugherty  
Chapter 13 Trustee  
Kathy A. Reichbach  
FED#56957MO; MO#56957  
Attorney For Trustee  
P.O. Box 430908  
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#### CERTIFICATE OF SERVICE

The undersigned hereby certifies that the above Trustee's Reply was filed electronically with the United States Bankruptcy Court on the 6th day of August 2024, and has been served on the parties in interest via e-mail by the Court's CM/ECF System as listed on the Court's Electronic Mail Notice List.

The undersigned hereby certifies that the above Trustee's Reply was filed electronically with the United States Bankruptcy Court and has been served by Regular United States Mail Service, first class, postage fully pre-paid, addressed to the parties listed below, on the 6th day of August 2024:

Gloria Broyles  
1376 Broadlawns Ln  
St. Louis, MO 63138

/s/ Kathy A. Reichbach